

DATE: 5/6/08 CASE NUMBER: 08-15721-M-SD

USA vs. Marco Antonio Contreras-Cerezo

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

Set for:

Before:

- ☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released _____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

- ☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: Waiver of Venue

☒ Held ☐ Con't ☐ Reset

Set for:

Before:

Other: Government moves to dismiss complaint. Defense has no objection. Court grants motion and dismisses case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

DATE: 5/5/2008 CASE NUMBER: 08-15721-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Marco Antonio Contreras-Cerezo

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 5/3/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☒ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☒ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☐ Held ☒ Cont'd ☐ Reset
Set for: 5/6/08 at 1:00 p.m. before: Magistrate Judge Irwin

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☐ Defendant sworn and examined by the Court ☐ Plea of Guilty ☐ Not Guilty ☐ Entered to Counts _____
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☐ Plea of Guilty entered as to Ct(s) _____ of the ☐ Information ☐ Indictment ☐ Complaint
☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☐ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☐ Defendant committed to Bureau of Prisons for a period of ____ ☐ Probation/Supervised Release for ____
☐ Special Assessment \$ _____ ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: Defense counsel advises the Court that the defendant refuses to sign a Waiver of Removal. The Government requests a one day continuance. Defense counsel has no objection. IT IS ORDERED granting said continuance.

RECORDED: CS

BY: Jocelyn M. Arviso, Deputy Clerk

United States District Court**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

V.

Marco Antonio CONTRERAS-Cerezo

Citizen of Mexico

YOB: 1977

088764832

Illegal Alien

CRIMINAL COMPLAINT

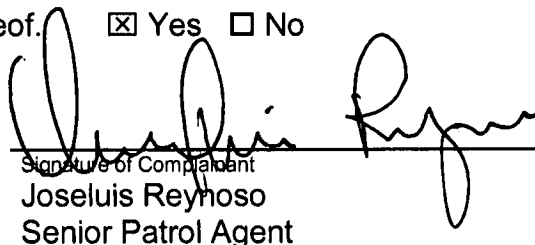
CASE NUMBER: 08-15721-MSD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about May 3, 2008, near Tecate, California in the Southern District of California, Defendant Marco Antonio CONTRERAS-Cerezo, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No



Signature of Complainant
Joseluis Reynoso
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

May 5, 2008

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Marco Antonio CONTRERAS-Cerezo

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant is an illegal alien.

CRIMINAL HISTORY: NONE FOUND

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Dateland, Arizona.

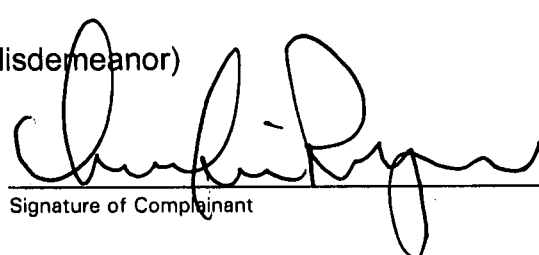
The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Tecate, California on May 3, 2008.

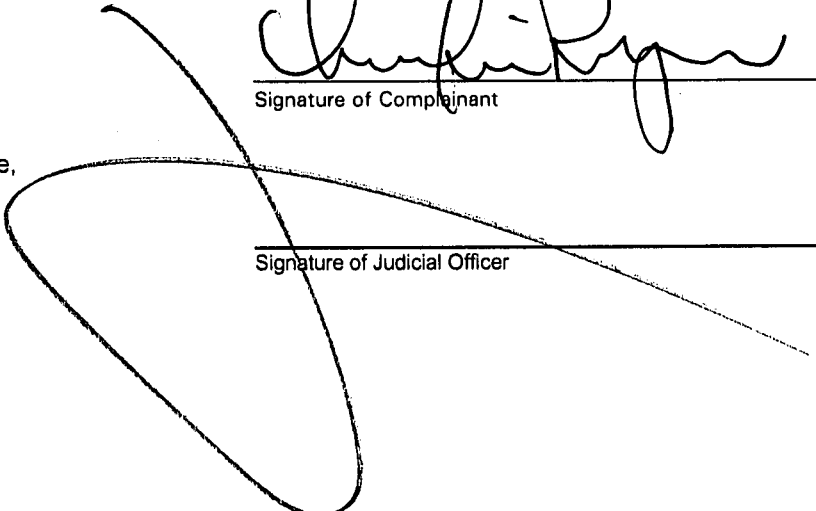
Charges: 8 USC§1325

(Misdemeanor)


Signature of Complainant

Sworn to before me and subscribed in my presence,

May 5, 2008
Date


Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Joseluis Reynoso, declare under penalty of perjury, the following is true and correct:

STATEMENT OF FACTUAL BASIS

Defendant: Marco Antonio CONTRERAS-Cerezo

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant is an illegal alien.

CRIMINAL HISTORY: NONE FOUND

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Dateland, Arizona.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Tecate, California on May 3, 2008.

Executed on: May 4, 2008

Time: 8:21 AM

Signed: _____

Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on May 3, 2008 in violation of Title 8, United States Code, Section 1325.

Finding made on: Date

May 4, 2008

Time

11:40 AM

Signed: _____

United States Magistrate Judge